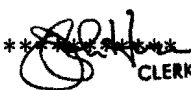


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

JUL 21 2011

  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM STEGMEIER,

Defendant.

CR 11-40038

ORDER

Pending before the Court is the Defendant's Motion to Dismiss Count One or Count Two of the Indictment, Doc. 18. The Court has reviewed the Motion to Dismiss, and Magistrate Judge Simko's Report and Recommendation of June 29, 2011, which included Defendant's claims and Magistrate Judge Simko's analysis, Doc. 21.

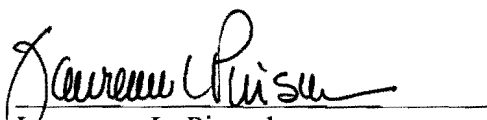
The factual statements made in the Report and Recommendation are adopted and will not be repeated. Accordingly,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation, Doc. 21, is ADOPTED by the Court, and Defendant's Motion to Dismiss Count One or Count Two of the Indictment, Doc. 18, is DENIED.

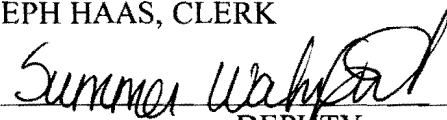
Dated this 21<sup>st</sup> day of July, 2011.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY:

  
DEPUTY